

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Revision for the Las Pulgas Landfill
SWIS No. 37-AA-0903
May 12, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the San Diego County Local Enforcement Agency (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit for the Las Pulgas Landfill, SWIS No. 37-AA-0903, located in San Diego County, owned and operated by the United States Marine Corps, Camp Pendleton. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed revised permit was initially received on March 22, 2010. A different version of the proposed permit was received March 24, 2010. Action must be taken on this permit no later than May 23, 2010. If no action is taken by May 23, 2010, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (1998 SWFP)	Proposed Permit
Maximum Daily Tonnage	270 tons	400 tons
Maximum Daily Traffic Volume	37 vehicles per day	80 vehicles per day
Total Permitted Site	88.7 acres	133 acres
Remaining Capacity	Remaining capacity as of April, 1998 was estimated at 10,680,000 cubic yards net air space.	Remaining capacity as of November, 2009, is estimated at 10,103,973 cubic yards net air space.
Estimated Closure Date	November 2184	March 31, 2047
Daily Cover	Not specified	The operator may utilize daily cover as outlined in the most current JTD.
13. LEA Findings	a) Pursuant to Public Resources Code §50001 (a)(1), this facility is a solid waste disposal facility identified and described on pages SE 26 – SE 27 in the county-wide siting element, which has been approved pursuant to Public Resources Code §41721. (A County-wide Integrated Waste Management Plan (CIWMP) was	a) Pursuant to Public Resources Code §50001 (a)(1), this facility is a solid waste disposal facility identified and described on pages SE 30 – SE 31 in the county-wide siting element, which has been approved pursuant to Public Resources Code §41721. (The 2005 5 Year Revision Final County-wide Integrated Waste Management Plan was approved by the California

	Current Permit (1998 SWFP)	Proposed Permit
	<p>approved by the California Integrated Waste Management Board on June 25, 1997).</p> <p>b) This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). (Public Resources Code § 44010).</p> <p>c) The LEA has determined that the design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal, based on a review of the August 1998 Joint Technical Document and an inspection of the facility conducted on August 26, 1998.</p> <p>d) The LEA has reviewed and considered the information, including the environmental effects of issuing this Solid Waste Facility Permit, contained in the Environmental Assessment dated December 1997 and Finding of No Significant Impact dated January 5, 1998 prepared by the United States Marine Corps, and finds that there are no significant unmitigatable environmental effects arising out of the issuance of this Solid Waste Permit. The LEA will file a Notice of Determination with the County Clerk upon this issuance of this revised Solid Waste Facility Permit.</p>	<p>Integrated Waste Management Board on September 20-21, 2005).</p> <p>b) This permit is consistent with standards adopted by the California Department of Resources Recycling and Recovery (CalRecycle), formally known as the California Integrated Waste Management Board. (Public Resources Code § 44010).</p> <p>c) The LEA has determined that the design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal, based on a review of the December 2009 Joint Technical Document and an inspection of the facility conducted on March 3, 2010.</p> <p>d) The LEA has reviewed and considered the information, including the environmental effects of issuing this Solid Waste Facility Permit, contained in the Environmental Assessment June 2000 and the Finding of No Significant Impact dated June 30, 2008 prepared by the United States Marine Corps along with a Continuing Environmental Review Statement (CERS) filed April 7, 2010, and finds that there are no significant unmitigatable environmental effects arising out of the issuance of this Solid Waste Permit. The LEA will file a Notice of Determination with the County Clerk upon this issuance of this revised Solid Waste Facility Permit.</p>

	Current Permit (1998 SWFP)	Proposed Permit
15. Documents And CEQA References	<p>Environmental Assessment, (SCH. 1998034022), December 1997 (March 9, 1998)</p> <p>Finding of No Significant Impact (SCH. 1998034022), January 5, 1998</p> <p>Notice of Determination (SCH. 1998034022), October 26, 1998</p> <p>Environmental Assessment, July 2000</p> <p>Joint Technical Document, August 20, 1998</p> <p>Preliminary Closure/Post Closure Plan, August 20, 1998</p> <p>Waste Discharge Requirements Order # 00-51, June 15, 1987</p> <p>Federal Certification, May 27, 1998</p>	<p>Environmental Assessment, (SCH. 1998034022), March 9, 1998</p> <p>Finding of No Significant Impact (SCH. 1998034022), January 5, 1998</p> <p>Notice of Determination (SCH. 1998034022), October 26, 1998</p> <p>Environmental Assessment, July 2000</p> <p>Joint Document, EA/Finding of No Significant Impact (SCH. 2008064006), June 30, 2008</p> <p>Joint Document, Continuing Environmental Review Statement (CERS) (SCH. 2010044005), April 7, 2010</p> <p>Joint Technical Document, December 18, 2009</p> <p>Preliminary Closure/Post Closure Plan, December 18, 2009</p> <p>Waste Discharge Requirements Order # 00-54, June 15, 1987</p> <p>Compliance Order R9-2006-0016, May 10, 2000 & February 24, 2006</p> <p>Waste Discharge Requirements Order #10-04 (Tentative), TBD</p> <p>Federal Certification, December 3, 2008</p>
JTD Amendments Reference	August 20, 1998; (updates May 2006)	December 18, 2009 (updates February 5, 2010)
16. Self Monitoring	Tonnage records shall be submitted Quarterly	Tonnage records shall be Maintained on Site
17. LEA Conditions	a) Without prior written or verbal approval from the LEA to allow otherwise, waste may be accepted only during the hours described in the most current Joint Technical	a) Without prior written or verbal approval from the LEA to allow otherwise, waste may be accepted only during the hours described in the most current Joint Technical Document

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	<p>Document (JTD).</p> <p>b) Tonnage records shall be submitted to the LEA by mail on a quarterly basis and summarized on a form provided by the LEA for that purpose. The reporting periods and due dates are: January through March, due May 1; April through June, due August 1; July through September, due November 1; and October through December, due February 1. (San Diego County Code of Regulatory Ordinances §65.107).</p> <p>c) The operator shall maintain, and keep current, a record of the number and types of vehicles hauling waste to the facility.</p> <p>d) The operator shall prepare and submit annually (due July 1) a report regarding remaining capacity at the site.</p> <p>e) The operator shall maintain a complete copy of this Solid Waste Facility Permit, Joint Technical Document and State Minimum Standards for Solid Waste Disposal Sites at the site at all times.</p> <p>f) No significant change in design or operation of this facility shall be taken without prior application to and approval by the LEA (Public Resources Code §44004).</p> <p>g) Additional information related to compliance with this permit or information concerning the design and operation of this facility shall be furnished to LEA upon request.</p> <p>h) The Solid Waste Facility Permit is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.</p>	<p>(JTD).</p> <p>b) Daily tonnage records shall be maintained on site and be available for LEA inspection during routine monthly inspections.</p> <p>c) The operator shall maintain, and keep current, a record of the number and types of vehicles hauling waste to the facility.</p> <p>d) The operator may utilize alternative daily cover as outlined in the most current JTD.</p> <p>e) The operator shall prepare and submit annually (due Sept. 1) a report regarding remaining capacity at the site.</p> <p>f) The operator shall maintain a copy of this Solid Waste Facility Permit and Joint Technical Document at the site at all times.</p> <p>g) No significant change in design or operation of this facility shall be taken without prior application to and approval by the LEA (Public Resources Code §44004).</p> <p>h) Additional information related to compliance with this permit or information concerning the design and operation of this facility shall be furnished to LEA upon request.</p> <p>i) The Solid Waste Facility Permit is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.</p>

JTD updates:

In addition to changes in the permit, the following changes are being made in the JTD: updates to the design of the Phase II liner system, updates to other current facility design documents, and other minor updates reflected in replacement pages to the Report of Facility Information.

Findings:

Staff recommends concurrence with the issuance of the proposed revised permit. All of the required submittals and findings required by Title 27, Section 21685 have been made and the required California Environmental Quality Act (CEQA) findings have been made in support of concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the WCMP.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification on their permit submittals dated March 22 and March 24, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on May 26, 2006, and provided a copy to the Department on June 19, 2006.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed solid waste facilities permit on March 22 and a different version on March 24, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) or (B) Consistency with Public Resources Code 50001	The LEA, in their permit submittal package received on March 22, 2010, provided a finding that the facility is consistent with PRC 50001. WCMP staff in the Jurisdiction Compliance and Audit Section referred the Conformance Finding to the Program Director, who found the facility is identified in the Countywide Siting Element, as described in a memo dated May 10, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary Closure/ Postclosure Maintenance Plans consistency with State Minimum Standards	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Preliminary Closure/ Postclosure Maintenance Plans consistent with State Minimum Standards described in a memo dated February 22, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6)(A) Financial Assurances Documentation compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Financial Assurances Documentation in compliance as described in their memo dated March 24, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6)(B) Operating Liability compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Operating Liability in compliance as described in their memo dated March 24, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations	WCMP staff in the Compliance, Evaluations, and	

CCR Title 27 Sections	Findings	
consistent with State Minimum Standards	Enforcement Division found that the facility was in compliance with all operating and design requirements during an inspection conducted on May 12, 2010. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received March 22, 2010, and March 24, 2010, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The required informational meeting was conducted on February 18, 2010, at 3:00 pm at the Stuart Mesa Housing Office, 3105 Mitchel Blvd. in Camp Pendleton. No members of the public attended and no public comments were received by the LEA or Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	The Department is a responsible agency under CEQA with respect to this project, a proposed revised solid waste facilities permit. WCMP staff has determined that the CEQA record can be used to support the Director's action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WCMP staff in the Compliance, Evaluation, and Enforcement Division (CEED), along with LEA and Permitting and LEA Support (PLEAS) staff conducted a pre-permit inspection at the subject facility on May 12, 2010. CEED staff found that the operations of the facility were consistent with the applicable State Minimum Standards.

In 2008, the LEA documented one violation of State Minimum Standards for Title 27, Section 20680 – Daily Cover.

In 2006, the LEA documented numerous violations for the following sections of Title 27: 20740 – Equipment; 20790 - Leachate Control; and 20810 - Vector and Bird Control. One violation was noted for 20700 - Intermediate Cover and 20810 and 20810 -Traffic Control.

In 2005, the LEA documented numerous violations for Public Resources Code (PRC) 44014(b) - Operator Complies With Terms and Conditions of Permit; 20919 - Gas Control; 20680 - Daily Cover and 20820 - Drainage/Erosion Control.

The LEA took appropriate enforcement action for these past violations. A Notice of Intent to List was issued two times. Compliance was achieved prior to the facility being listed on the Inventory. All violations were observed to be corrected and there are no outstanding violations.

Environmental Analysis

State law requires compliance with the CEQA either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program, or by determining that the proposal is categorically or statutorily exempt.

- The United States Marine Corps, Camp Pendleton, acting as lead agency, has prepared a document, titled *Continuing Environmental Review Statement for Establishing the Las Pulgas and San Onofre Landfill Facility Boundaries*, (Environmental Assessment/Finding of No Significant Impact) State Clearinghouse No.2010044005, for their approval of a boundary change. The document was circulated for a 30 day comment period; from April 7, 2010 through May 6, 2010.
- A previous Joint Document (Environmental Assessment/Finding of No Significant Impact), titled *Las Pulgas Landfill Permitted Increase in Daily Tonnage and Traffic* (SCH No. 2008064006) included analysis for increases in the maximum daily tonnage and maximum daily vehicles allowed at the facility. The document was circulated for a 15 day comment period; from June 30, 2008 through July 17, 2008. A Federal Certification was filed on December 3, 2008.
- The original Environmental Assessment/Negative Declaration document for Las Pulgas Landfill is *Las Pulgas Landfill Permitted Disposal Area Expansion LCARS* (SCH No. 1998034022). The document was circulated for a 30 day comment period; from March 9, 1998 through April 8, 1998. A Notice of Determination was filed on October 26, 1998.

The project document availability, hearings, and associated meetings were adequately noticed and conducted consistent with the CEQA and National Environmental Policy Act (NEPA).

The Department's role as a Responsible Agency under CEQA is more limited than the Marine Corps Base, Camp Pendleton's role as a Lead Agency in that a Responsible Agency may require changes in a project to lessen or avoid only the environmental effects of that part of the project it will carry out or approve, and may disapprove a project to avoid only the environmental effects of that part of the project it will carry out or approve.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental documents prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the Permit.

Department staff further recommends the Joint Documents of record are adequate for the Department's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

Local Issues:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and Solid Waste Facilities Permit requirements. The site is located in Census Tract 187 in the southern half of Camp Pendleton Marine Corps Base, which has a higher rate of transiency compared to a traditional city. Census 2000 information for the Census Tract 187 indicates that the surrounding population is not predominantly made up of minority groups, as 63.7% of the population is white, 12.8% is black, 3.4% Asian, 0.5% Pacific Islander, 12.9%

Some Other Race, 5.3% reported as Two or More Races and 1.4% declined to state their race. 22% identified as Hispanic or Latino. Additionally, 7.7% of the families were below the poverty level and 8.4% of the individuals in Census Tract 187 were below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

The proposed permit revision was discussed at a public informational meeting held on February 18, 2010, at 3:00 pm at the Stuart Mesa Housing Office, 3105 Mitchel Blvd. in Camp Pendleton. No members of the public attended the meeting and no comments were received by the LEA or Department staff.

Department Staff Actions:

PLEAS staff has worked with the LEA throughout the permit process by providing comments on permitting documents and attending public meetings where the project was discussed. Public workshops were held by the Department on April 12, 2010 and May 10, 2010.